

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

July 15, 2010

In the Matter of A.J. CRAWLEY, Minor.

No. 294618
Calhoun Circuit Court
Family Division
LC No. 08-002953-NA

Before: TALBOT, P.J., and FITZGERALD and DAVIS, JJ.

PER CURIAM.

Respondent appeals as of right the order terminating her parental rights to her minor child under MCL 712A.19b(3)(c)(i) [conditions leading to adjudication continue to exist], (g) [failure to provide proper care and custody], and (j) [likelihood of harm to child if returned to parent's home]. We affirm.

A petitioner must establish at least one statutory ground for termination of parental rights by clear and convincing evidence. *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). We review for clear error the trial court's determination that the petitioner established a statutory ground for termination. MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341, 355-357; 612 NW2d 407 (2000).

Respondent claims that she was working diligently to overcome her dependence on non-prescribed medications for pain. Although respondent testified that she had long-term pain that worsened when she was injured at work, she failed to provide any supporting medical documentation. Although respondent testified that she was scheduled for an MRI and was on a waiting list for a pain clinic, she lost her Medicaid benefits when she was incarcerated after voluntarily electing to use non-prescribed medication. While respondent was sober for at least three months and knew she was on the path to reunification with her child, she continued to use non-prescribed medications on multiple occasions in March 2009 through May 2009.

Respondent asserts that petitioner did not resume her counseling, substance abuse, and parent aide services after she was released from jail. Petitioner generally must make reasonable efforts to rectify the problems through a service plan, *In re Fried*, 266 Mich App 535, 542; 702 NW2d 192 (2005), and failure to make reasonable efforts can affect whether there was sufficient evidence to terminate parental rights. *In re Rood*, 483 Mich 73, 89; 763 NW2d 587 (2009); *In re Newman*, 189 Mich App 61, 67-68, 70; 472 NW2d 38 (1991). In the present case, respondent was provided numerous services before her incarceration. Although the lower court admonished the caseworker for filing service plans late, respondent never claimed she was not receiving

adequate services before June 2009. Further, the record would not support such an assertion. Although respondent claimed that she did not submit screens because she thought the case was concluded she did not explain her failure to resume the drug screens after the caseworker informed her that the case was continuing and inquired into her compliance.

Respondent's failure to participate in drug screens following her relapse served to demonstrate that she had not rectified the condition leading to adjudication. Further, there was sufficient evidence that respondent was not reasonably likely to rectify her substance abuse problem within a reasonable time. Therefore, the lower court did not err when it found a statutory ground to terminate her parental rights under MCL 712A.19b(3)(c)(i).

While respondent asserts that she had appropriate housing, her ability to secure and maintain an appropriate residence was not the primary issue leading to this adjudication. Rather it was respondent's relapse, incarceration, and failure to submit to drug screens that served to establish the unlikelihood that respondent would be able to provide proper care and custody for the minor child within a reasonable time. As such, the lower court did not err when it found a statutory ground to terminate respondent's parental rights under MCL 712A.19b(3)(g).

Respondent did not address on appeal the lower court's finding of a third statutory ground for termination, MCL 712A.19b(3)(j). As there need only be sufficient evidence under one statutory ground for termination, we need not address this ruling by the lower court. *In re Trejo*, 462 Mich at 360.

Affirmed.

/s/ Michael J. Talbot
/s/ E. Thomas Fitzgerald
/s/ Alton T. Davis